HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2710 OF 2005.

Mrs. Sunita Shripad Joshi. ...Applicant.

V/s.

The State of Maharashtra. ...Respondent

Shri S.R.Chitnis, Sr.Counsel, with Rajesh Datar, for applicant.

Shri V.B.KOnde-Deshmukh, APP for respondent.

Shri Uday Warunjikar, for depositors.

CORAM: A.M.KHANWILKAR,J
DATE : MAY 3, 2005

P.C. :-

1. Heard counsel for the parties, including Shri Warunjikar, counsel for the depositors.

2. The counsel for the applicant submits that the applicant is entitled for bail on parity alongwith the accused Shashank Sadashiv Wagh, who has been released on bail by this court by separate order. He submits that Mr. Wagh was Managing Director at the relevant time, whereas the applicant was only Manager and in fact, she has resigned from service on 2nd June, 2001. Even in the case of present applicant, there is no material to indicate the complicity of the applicant in

the commission of the offence under section 467 of the I.P.Code, though that provision has been invoked by the prosecution. No charge of criminal conspiracy has been invoked by the prosecution. If it is so, the applicant is in custody since 23rd March, 2005 and was in police custody for 7 days when she has been fully interrogated by the Investigating Officer. The applicant being female and as her son is getting married on 5th May, 2005, the applicant is directed to be released on bail on the following conditions.

(i) The applicant is directed to be released on bail in connection with the C.R.No. 11 of 2005 registered with MIDC Kupwad Police Station, Sangli, on executing personal bond in the sum of Rs.50,000/-(Rs.fifty thousand) with two local sureties in like amount.

(ii) In so far as the present applicant is concerned, because she is female and her son is getting married on 5th May, 2005, she will be released on offering cash bail to be replaced by proper sureties within 10 days from the date of release.

(iii) The applicant shall not influence

prosecution witnesses or tamper with prosecution evidence in any manner, whatsoever.

(iv) The applicant shall not enter district Sangli except for the purpose of reporting to the Investigating Officer on Wednesday and Sunday every week, till filing of the chargesheet between 10 a.m. to 1 p.m.. The applicant shall however, be entitled to attend her son’s marriage which is scheduled on 5th May, 2005 to be performed at Kupwad, Sangli. She will have to however, remove herself on 8th May, 2005 from district Sangli, unless required by the Investigating Officer on other dates or time or place for the purpose of investigation.

(v) The applicant shall inform the place of residence to the investigating Officer within one week from the date of release.

(vi) The applicant shall deposit passport with Investigating officer, if any. In case the applicant does not possess any passport, shall file affidavit before this court, disclosing that fact. Unless this condition is complied, the order releasing her on bail will not be given

effect.

(vii) The applicant shall cooperate the Investigating Officer for investigation purpose.

(vii) This order will enure in favour of the applicant till filing of the chargesheet.